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March 25, 2021

**VIA ECF**

Honorable Katherine Polk Failla  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

**MEMO ENDORSED**

RE: D.P., individually and on behalf of S.P. v. N.Y.C. Dep't of Educ.  
1:21-cv-00027 (KPF)

Dear Judge Failla,

I am the attorney for the Plaintiffs in the above-referenced action, wherein Plaintiff seeks attorneys' fees incurred in the administrative proceeding under the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. § 1400, *et seq.*, as well as the instant federal action, and a claim for implementation of relief awarded to Plaintiff as a result of the administrative proceeding.

Jurisdiction for this matter is predicated upon 28 U.S.C. § 1331, which provides the district courts with original jurisdiction over all civil actions arising under the laws of the United States, and upon the fee-shifting provision of the IDEA, 20 U.S.C. § 1415(i)(3)(A). Jurisdiction for the enforcement of relief awarded in the administrative proceeding is predicated upon 28 U.S.C. § 1331 and 28 U.S.C. § 1343 which provides the district courts with original jurisdiction to secure equitable or other relief under any Act of Congress providing protection of civil rights. Venue for this matter is predicated upon 28 U.S.C. § 1391(b)(1) based on the residence of the Defendant at the Defendant's principal office located at 52 Chambers Street, New York, NY 10007.

I write jointly with Defendant's counsel in order to propose a briefing schedule. The parties are in agreement that further discovery is not necessary in this action, as Plaintiffs have provided all billing invoices to the Defendant. As the parties have no issues to present to the Court at this time, the parties jointly propose that the Court cancel the initial pretrial conference and propose the following briefing schedule:

- Plaintiff's motion for summary judgment will be due on July 30, 2021.
- Defendant's opposition will be due on August 20, 2021.
- Plaintiff's reply will be due on August 30, 2021.

The briefing schedule proposed above will afford the parties additional time to engage in settlement negotiations and resolve the issue of implementation. The parties are optimistic that this matter will be resolved through settlement.

At this time, the parties do not believe that referral of this matter to the Magistrate Judge for a settlement conference would be beneficial. However, in the event the parties reach a point where they agree that such a conference may aid and advance settlement, the parties will submit a letter to the Court requesting that the matter be referred to the Magistrate Judge for a settlement conference.

Thank you for Your Honor's consideration of this request.

Respectfully submitted,

s/ Erin E. Murray\_\_\_\_\_

cc: Brian Krist (via ECF)  
Attorney for the Defendant

The Court is in receipt of the parties' above joint letter. The initial pretrial conference scheduled for April 1, 2021, is hereby ADJOURNED *sine die*. The parties may proceed to briefing on Plaintiff's anticipated motion for summary judgment, and are directed to adhere to the briefing deadlines set forth in the above letter. However, given the protracted briefing schedule proposed by the parties, the Court cautions that it will not be inclined to grant any extensions. The Court will separately endorse the parties' proposed Case Management Plan and Scheduling Order.

SO ORDERED.

Dated: March 25, 2021  
New York, New York



HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE